

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ROBERT JAMES STEWART,
Plaintiff,

vs.

JOHN E. BRIDGES, JODY WHITE,
BRENT PATTERSON, JANE DOE
BSYISS, WENATCHEE HUMANE
SOCIETY, and CHELAN COUNTY,
Defendants.

NO. CV-09-040-EFS

**ORDER DENYING MOTION FOR EXTENSION
OF TIME AND DISMISSING ACTION**

By Order filed April 23, 2009, the Court denied Plaintiff's application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(g) and directed Mr. Stewart to pay the full \$350.00 filing fee within twenty days. In response, Mr. Stewart submitted a Motion for Extension of Time (Ct. Rec. 15), indicating he might be released from incarceration on June 17, 2009, and requesting an additional 120 days thereafter apparently to pay the filing fee for this action.

The Court finds Mr. Stewart's request is excessive under the circumstances and unwarranted. Accordingly, **IT IS ORDERED** Plaintiff's Motion (Ct. Rec. 15) is **DENIED** and this action is **DISMISSED without prejudice**.

Furthermore, Plaintiff's apparent request for monetary damages

1 based on denials from the District Court Executive of his requests for
2 public records under the Freedom of Information Act ("FOIA") (Ct. Rec.
3 14) is frivolous. The FOIA requires governmental "agencies" to make
4 "agency records" available to any person for a nominal charge limited to
5 the direct costs of search and duplication. 5 U.S.C. § 552(a)(3) and
6 (4)(A), (B). Although the FOIA provides no definition for the term
7 "agency records," the definition of the term "agency" expressly exempts
8 "the courts of the United States" from the Act's operation. 5 U.S.C. §
9 551(1)(B). Thus, the provisions of the FOIA impose no obligation on the
10 courts to produce any records in their possession.

11 **IT IS SO ORDERED.** The District Court Executive is directed to
12 enter this Order, enter judgment of dismissal, forward a copy to
13 Plaintiff at his last known address, and close the file. All pending
14 Motions are **DENIED as moot.**

15 **DATED** this 18th day of May 2009.

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17 s/Edward F. Shea
18 EDWARD F. SHEA
19 UNITED STATES DISTRICT JUDGE

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